REMARKS

Claim 48 has been amended to specify the physical characteristics of the boiled sugar composition in the preamble of the claim.

Claims 49-56 correspond to the claims discussed during the interview.

Claims 48-56 are rejected under 35 USC § 103 (a) as being unpatentable over Yatka et al. (5,458,892) or Meyers et al. (5,236,719).

The Examiner considers in fact that "although Yatka et al. may use highly soluble polyols in example 190-192, applicant's claimed polyols, e.g., lactitol and mannitol are viable alternatives for the highly soluble polyols used in Examples 190-192, according to col. 6 lines 1-5 and col. 9, lines 16-42 of Yatka et al.".

Applicants respectfully disagree.

In fact, Applicants stress again on the fact that the general specification of Yatka (or Meyer et al.) concerns chewing-gums and not boiled sugars; only three examples of boiled sugars are given.

As already indicated in the amendment filed with the RCE, crystallization is not a problem which is taken into consideration in the manufacturing of chewing-gum. Thus, the selection of specific polyols is not necessary.

That's the reason why, numerous examples of polyols are given in the specification, since they are intended to be used in chewing-gums. Nowhere in the Yatka's description it

is indicated that those polyols could be used for boiled sugar. But, on the contrary it is clearly mentioned that the said polyols are used for chewing gums (see col. 6 l. 1-5 l. 16-19).

On the contrary, the selection of polyols is a crucial parameter in the manufacture of boiled sugar. This has already been illustrated in the TEST REPORT attached to the amendment dated July 24, 2003, in which boiled sugars had been manufactured inter alia with mannitol alone and with maltitol alone, and with mannitol and maltitol together with a hydrogenated pyrodextrin:

- with mannitol alone, it had not been possible to obtain boiled sugars since the crystallization was immediate,
- with maltitol alone, boiled sugars could be formed, however, they were not acceptable because they drastically flow,
- with maltitol and hydrogenated pyrodextrin boiled sugars are obtained but they flow and are sticky,
- with mannitol and hydrogenated pyrodextrin boiled sugars are obtained which are stable and satisfactory.

As requested during the interview, Applicants submit color photographies, (corresponding to Appendix C dated July 24, 2003), from which it clearly appears that only a composition of mannitol and pyrodextrin allows the obtention of stable boiled sugars (see photograph 3).

Furthermore, the Applicants send with said amendment boiled sugars prepared for the drafting of the test report dated July 24, 2003, according to composition B. As the Examiner can himself appreciates, these boiled sugars are stable at storage, are translucent and non-sticky.

In order to be complete, the Applicants have now prepared boiled sugars using the most soluble polyols among those used in Yatka, i.e. sorbitol.

As indicated in Mr. Ribadeau-Dumas's new DECLARATION UNDER RULE 132, "stable boiled sugars cannot be obtained with sorbitol and a dextrin since they drastically flow when stored (see photographs B and C)".

The specific selection of polyols in combination with a dextrins in the amounts specified in claim 46 can thus not be deduced from Yatka et al.

Boiled sugars according to claim 48 are thus inventive in view of Yatka et al. (or Meyers et al.).
Since claims 47 to 50 and 52 to 56 depend on claim 48, they are also inventive.

In view of the above, it is considered that the application is now in proper form for allowance.

Favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted,
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